

Requirements for Supplement Analysis

In order to maintain compliance, DOE is required not only to address NEPA as part of project planning, but also to re-evaluate previously prepared EISs for validity. Section 1021.330 (d) of the 10 CFR states that DOE shall, every five years, evaluate site-wide NEPA documents prepared under Sec. 1021.330. This section regulates EISs prepared for large, multiple facility DOE sites, of which the SPR has four. Title 10 further stipulates that DOE shall evaluate these site-wide NEPA documents by means of a Supplement Analysis (SA), which serves to determine whether the existing EIS and ROD rendered remains adequate, or whether DOE needs to prepare a new site-wide EIS or a supplement to the existing EIS, as appropriate. No time constraints are given for document preparation and the final determination shall be made available in appropriate DOE public reading rooms or in other appropriate location(s) for a reasonable time. Site-wide EISs and EAs must be evaluated every five years. Although the SPR does not have any site-wide EAs for active sites, one programmatic EA was evaluated for completeness of the analysis. Due to increased reliance on inter- and intrastate pipelines to distribute oil receipts, programmatic EISs prepared for the SPR will be also be evaluated in this document. Therefore, this document evaluates both site-wide and programmatic EISs and one programmatic EA. Historical NEPA documentation evaluated in this Supplement Analysis includes the following:

Final Environmental Impact Statement (Final Supplement to FEA FES 76/77-6), Strategic Petroleum Reserve, Bryan Mound Salt Dome, [REDACTED] County, Texas, EIS-0001;

Final Environmental Impact Statement (Final of DEIS, FEA-DES-77-10 and of DS-FEIS, FEA-FES-76/77-6) Strategic Petroleum Reserve, Seaway Group Salt Domes (Bryan Mound expansion, Allen, Nash, Damon Mound, and West Columbia) [REDACTED] County, Texas, Volumes I-III, EIS-0021;

Final Environmental Impact Statement (Final Statement to FEA-DES-77-9) Strategic Petroleum Reserve, Capline Group Salt Domes (Iberia, Napoleonville, Weeks Island Expansion, Bayou Choctaw Expansion, Chacahoula) [REDACTED] parishes, Louisiana Volume I-IV, EIS-0024;

Final Environmental Impact Statement (Final Statement to FEA-DES-77-8) Strategic Petroleum Reserve, Texoma Group Salt Domes (West Hackberry Expansion, Black Bayou, Vinton, Big Hill) [REDACTED] parishes, Louisiana and [REDACTED] County, Texas Volumes I-V, EIS-0029;

Final Supplement to Final Environmental Impact Statement FEA-FES-76-2, Strategic Petroleum Reserve, Expansion of Reserve, EIS-0034;

Final Supplement to Final Environmental Impact Statements DOE/EIS-0021,0029, Strategic Petroleum Reserve, Phase III Development Texoma and Seaway Group Salt Domes (West Hackberry and Bryan Mound Expansion, Big Hill Development) [REDACTED] Louisiana and [REDACTED] Counties, Texas, EIS-0075;

Final Environmental Impact Statement for Bayou Choctaw Salt Dome, FES 76-5;

Final Environmental Statement on the Bryan Mound Salt Dome, FES 76/77-6;

Supplement to Final Environmental Impact Statement, West Hackberry Salt Dome, FEA/S-77/114;

Supplement to Final Environmental Impact Statement for Bayou Choctaw Salt Dome, FEA/S-77/129;

Strategic Petroleum Reserve. Final Environmental Impact Statement. West Hackberry Salt Dome, PB 262 508;

All of the SPR sites are utilized for the same purpose, oil storage and/or distribution; accordingly, three criteria have been identified to properly assess their current state relative to NEPA compliance with the existing EISs and EAs. The criteria were selected based on interpretation of DOE's NEPA policies, SPR history and the best professional judgment of the M&O Contractor's environmental staff. These are:

- Operational and engineering (O&E) modifications including process changes and capacity;
- Regulatory amendments and enactments including but not limited to state and Federal Statutes and Regulations, Federal Executive Orders (EOs), agency guidance, amendments to 10 or 40 CFR, etc.; and
- Population dynamics and other socioeconomic variations in the vicinity of each of the sites, which may have changed considerably since the 1970's.

According to the US Supreme Court in their decision, *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 109 S.Ct. 1851 (1989) (companion case to *Robertson v. Methow Valley Citizens Council*), O&E modifications must be reviewed as an agency has a duty to continue reviewing environmental effects of a proposed action even after its initial approval. Although modifications may have triggered previous NEPA reviews throughout the life of the project, periodic re-evaluation is required for a definitive conclusion concerning NEPA compliance. Periodic evaluation such as is provided by this SA is especially important to document NEPA compliance relative to potential cumulative impacts of multiple minor changes at each site and within the SPR project.

Likewise, as NEPA directly and indirectly interacts with various state and Federal environmental statutes and regulations, these need to be considered when performing an environmental analysis. CEQ regulations at 1502.25(b) direct Federal agencies to integrate NEPA analysis with any other applicable environmental analyses, related surveys, and studies.

Finally, section 1508.14 of the CEQ regulations for the implementation of NEPA states that the "human environment" be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. Effects to be interpreted include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, and health, whether direct, indirect, or cumulative. Thus, to fulfill the requirements of NEPA analysis, population dynamics and other socioeconomic variations must be evaluated for potential impact by site operations and the SPR program as a whole.